

AMENDED IN ASSEMBLY APRIL 13, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 1010

Introduced by Assembly Member Galgiani

February 27, 2009

~~An act to amend Section 236.1 of the Penal Code, relating to human trafficking. An act to add Section 22575.5 to the Business and Professions Code, relating to the Internet.~~

LEGISLATIVE COUNSEL'S DIGEST

AB 1010, as amended, Galgiani. ~~Human trafficking. Internet.~~

Existing law requires an operator of a commercial Internet Web site or online service that collects personally identifiable information through the Internet about individual consumers residing in California who use or visit its commercial Internet Web site or online service to conspicuously post its privacy policy on its Internet Web site.

This bill would require an Internet company to remove visual material that depicts the commission of a violent or serious felony, as specified, upon the written or electronic request of the victim, next of kin, member of the victim's immediate family, or a representative designated by the victim or victim's immediate family.

~~Existing law establishes the offense of human trafficking.~~

~~This bill would make a technical, nonsubstantive change to those provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 22575.5 is added to the Business and*
2 *Professions Code, to read:*

3 22575.5. (a) *An Internet company shall remove visual material*
4 *that depicts the commission of a violent or serious felony, upon*
5 *the written or electronic request of the victim, next of kin, member*
6 *of the victim's immediate family, or a representative designated*
7 *by the victim or victim's immediate family.*

8 (b) *Where a victim's representative is designated pursuant to*
9 *this section, the representative shall be designated by the victim,*
10 *or in cases where the victim is deceased or incapable of making*
11 *a designation because of physical or mental illness or infirmity,*
12 *the representative shall be designated by the victim's immediate*
13 *family.*

14 (c) *For purposes of this section, "violent or serious felony"*
15 *shall have the meaning set forth in Sections 667.5 and 1192.7 of*
16 *the Penal Code. For purposes of this section, "electronic request"*
17 *means electronic transmission by any means, from one physical*
18 *location to another.*

19 ~~SECTION 1. Section 236.1 of the Penal Code is amended to~~
20 ~~read:~~

21 ~~236.1. (a) Every person who deprives or violates the personal~~
22 ~~liberty of another with the intent to effect or maintain a felony~~
23 ~~violation of Section 266, 266h, 266i, 267, 311.4, or 518, or to~~
24 ~~obtain forced labor or services, is guilty of human trafficking.~~

25 ~~(b) Except as provided in subdivision (c), a violation of this~~
26 ~~section is punishable by imprisonment in the state prison for three,~~
27 ~~four, or five years.~~

28 ~~(c) A violation of this section where the victim of the trafficking~~
29 ~~was under 18 years of age at the time of the commission of the~~
30 ~~offense is punishable by imprisonment in the state prison for four,~~
31 ~~six, or eight years.~~

32 ~~(d) (1) For purposes of this section, unlawful deprivation or~~
33 ~~violation of the personal liberty of another includes substantial~~
34 ~~and sustained restriction of another's liberty accomplished through~~
35 ~~fraud, deceit, coercion, violence, duress, menace, or threat of~~
36 ~~unlawful injury to the victim or to another person, under~~
37 ~~circumstances where the person receiving or apprehending the~~

1 threat reasonably believes that it is likely that the person making
2 the threat would carry it out.

3 (2) Duress includes knowingly destroying, concealing,
4 removing, confiscating, or possessing any actual or purported
5 passport or immigration document of the victim.

6 (e) For purposes of this section, “forced labor or services” means
7 labor or services that are performed or provided by a person and
8 are obtained or maintained through force, fraud, or coercion, or
9 equivalent conduct that would reasonably overbear the will of the
10 person.

11 (f) The Legislature finds that the definition of human trafficking
12 in this section is equivalent to the federal definition of a severe
13 form of trafficking found in Section 7102(8) of Title 22 of the
14 United States Code.